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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/743,898	12/24/2003	Alessandro De Barnardi	DE BERNARDI2	9196

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BROWDY AND NEIMARK, P.L.L.C.
624 NINTH STREET, NW
SUITE 300
WASHINGTON, DC 20001-5303

EXAMINER

TAWFIK, SAMEH

ART UNIT	PAPER NUMBER
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3721

DATE MAILED: 09/12/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/743,898

Applicant(s)

DE BARNARDI, ALESSANDRO

Examiner

Sameh H. Tawfik

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 July 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-15 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 05272005.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Election/Restrictions

Applicant's election without traverse of Group I (claims 1-15) in the reply filed on 07/27/2005 and cancellation of non-elected Group II (claims 16-18) is acknowledged.

Priority

Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

Specification

The disclosure is objected to because of the following informalities: applicant needs to amend the abstract as follow; delete lines 15 and 16;

The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed. For example "Device for operating on a moving laminar material for a bag-making machine".

Appropriate correction is required.

Claim Objections

Claim 4 is objected to because of the following informalities: in line 9; applicant needs to delete "/8" and instead insert --(8)--.

Appropriate correction is required.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

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Claims 1-15 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 1 recites the limitation "the type" in line 3. There is insufficient antecedent basis for this limitation in the claim.

Claim 15 recites the limitation "said rotating bodies" in line 2. There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-5, 8, 12, and 15 are rejected under 35 U.S.C. 102(b) as being anticipated by Kammler et al. (4,750,313).

Kammler discloses a device for operating on a moving laminar material, in particular for a bag-making machine, said machine being of the type having at least one work unit and actuating members adapted to cause advancing of the laminar material (Fig. 1; via 4) comprising: at least one rotating body (Fig. 1; via sealing jaw carrier 26) having a rotation axis (via by the axis of shaft 94) and a rotation speed (it is inherent it has rotating speed); at least one guide member (Fig. 1; via sealing jaw 36) in engagement with said rotating body (26) at an eccentric position with respect to said rotation axis (via axis of shaft 94) and movable along a circumferential trajectory having a work stretch (Fig. 1); said guide member (36) being

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connected with said work unit and having, in said circumferential trajectory, a tangential speed T with a work component parallel to the laminar material, see for example (Fig. 1); and drive means (Fig. 1; via 101) designed to selectively vary said rotation speed and reference speed in a manner adapted to make said work component in said work stretch and the reference speed substantially equal to each other (Fig. 1; note it is inherent that work stretch and reference speed are substantially equal).

Regarding claim 2: wherein alternately said reference speed and rotation speed are substantially constant and wherein said drive means (101) is adapted to alternately impose a variable speed to said rotating body (26) correlated with the cosine of a work angle included between the tangential speed T and work component (Fig. 1).

Regarding claim 3: wherein said reference speed of said laminar material (4) is substantially constant and wherein said drive means (101) is adapted to impose a rotation speed to said rotating body and a tangential speed T to said guide member that are variable in inverse proportion to the cosine of said work angle (Fig. 1).

Regarding claim 4: wherein symmetry plane (Fig. 1; via the plane shown as drawn line above number 26) is provided that is perpendicular to the laminar material (4) and passes through said rotation axis (via the axis of rotating shaft 94) and wherein said work stretch extends at said symmetry plane and transversely of same, and at said rotation axis it defines a central angle equal to or smaller than 120 degree, the member (36) having a tangential speed included between a minimum value equal to that of the reference speed at the symmetry plan and a maximum value equal to or smaller than twice the minimum value (Fig. 1; note it is inherent

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that the guide member 36 having a tangential speed ranged between the reference speed and twice the reference speed).

Regarding claim 5: the rotation speed of said rotating body (26) is substantially constant and wherein said drive means (101) is active on said actuating members of said laminar material (4) to impose a that is variable reference speed to in proportion said laminar material to the cosine of said work angle (Fig. 1).

Regarding claim 8: wherein said drive means (101) comprises at least one motor and transmission member extending downstream of said motor (101), and wherein said transmission members comprise non- circular kinematic elements adapted to convert a substantially constant rotation speed of said motor into a variable rotation speed (Figs. 1 and 2; via belt 13).

Regarding claim 12: wherein support means interposed between the work unit and said guide member (36) is provided, which comprises at least one framework adapted to keep the angular lying arrangement of the work unit respect to the laminar material substantially constant with respect to the laminar material (Fig. 1; via the machine frame 1).

Regarding claim 15: wherein a plurality of said rotating bodies (26) is provided and they are disposed consecutive to each other in a direction parallel to said reference speed, and wherein said framework (1) comprises at least one crosspiece (1a) extending like a tie-rod and adapted to interlock said each other on rotation (Fig. 1).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person

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having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 6, 7, 10, and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kammler et al. (4,750,313).

Kammler does not disclose that a sensors to detect the position of the guide member. However, the examiner takes an official notice that such sensors to detect a position or location of a moving member on a machine is old, well known, and available in the art.

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to have modified Kammler's device with using sensors to detect the location and the speed of the sealing member, as a matter of engineering design choice in order to improve the sealing process and the speed of the sealing elements to better seal the bags.

Regarding claim 7: wherein the electric motor (Fig. 1; via 101; note it is inherent that the used motor could be an electric motor). Kammler does not disclose that electronic device comprises SLM or speed loop module circuits. However, the examiner takes an official notice that such electronic device with SLM or speed loop module circuits is old, well known, and available in the art.

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to have modified Kammler's motor by using electronic devices with SLM or speed loop module circuits, as a matter of engineering design choice in order to use simpler motor.

Regarding claims 10 and 11: Kammler does not disclose adjusting means to adjust the position of the guide member nor deformable compensation devices to allow position variations of the work unit. However, it would have been obvious to one having ordinary skill in the art at

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the time the invention was made to have modified Kammler's device by making the guide member 36 adjustable members and allow the work unit to be positionable, since it has been held that the provision of adjustability, where needed, involves only routine skill in the art. In re Stevens, 101 USPQ 284 (CCPA 1954).

Allowable Subject Matter

Claims 9, 13, and 14 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

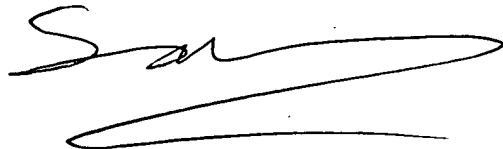
Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sameh H. Tawfik whose telephone number is 571-272-4470. The examiner can normally be reached on Tuesday - Friday from 8:00 AM to 6:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rinaldi Rada can be reached on 571-272-4467. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Sameh H. Tawfik
Patent Examiner
Art Unit 3721



ST.